ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 5.32.035 OF THE SANTA BARBARA MUNICIPAL CODE TO ESTABLISH TIME, PLACE, AND MANNER RESTRICTIONS ON VENDING FROM VEHICLES, WAGONS, AND PUSHCARTS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and purposes (uncodified).

- A. The City Council finds that it is in the interest of the public health, safety and the general welfare of the community that time, place, and manner restrictions be established with respect to the operation and location of mobile vending vehicles or any non-motorized wheeled container, such as a wagon or pushcart upon any City street.
- B. Time, place, and manner restrictions for vending on City streets are necessary to ensure pedestrian safety, control excessive demand on parking spaces particularly within the City's business district, ensure safe traffic movement, and prevent aesthetic blight from unsightly accumulation of waste in public right of way areas.
- C. The City Council further finds that mobile vending vehicles and non-motorized wheeled containers such as a wagon or pushcart, on City streets poses traffic hazards and special dangers to residents of the community. Such vending vehicles frequently stop in public rights of way in a manner which can endanger pedestrians and vehicle traffic particularly in areas of heavy traffic volume.
- D. This ordinance is enacted pursuant to the City's police power under Article XI section 5 and 7 of the California Constitution and Vehicle Code section 22455(b). Vehicle Code section 22455(b) expressly authorizes time, place, and manner municipal

regulation of vending from vehicles upon any street.

SECTION 2. Section 5.32.035 of Chapter 5.32 of Title 5 of the Santa Barbara Municipal Code is amended to read as follows:

5.32.035 Prohibited Types of Peddling and Soliciting.

- A. Except as otherwise authorized in this Code, it shall be unlawful for any peddler or solicitor to do any of the following:
 - 1. To peddle or solicit on or in any street within the City.
- 1. 2. To peddle or solicit at any residence, dwelling, flat or apartment whereon a sign bearing the words "no peddler or solicitor" or words of similar meaning, indicating peddlers or solicitors are not wanted on the premises, is painted or affixed or exposed to the public view, or to attempt to gain admittance to such premises for the purpose of peddling or soliciting, except with the prior consent or at the prior invitation of some member of the household.
- 2. 3. To peddle or solicit within the City at any time from earlier than 9:00 a.m. or later than 7:00 p.m. sunset to nine o'clock (9:00 a.m.), except by prior appointment.
- 3. To sell or offer for sale any food or beverage from any pushcart on any public street, including parkways or sidewalks, within the City. "Pushcart" means any wagon, cart or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the State of California, from which food or beverage is offered for sale to the public.
- 4. To peddle or solicit at any place within any commercial or industrial district as established in the Zoning Ordinance of the City.

- 4. Except as provided in this section, no vendor shall stand, stop or park any vehicle, from which merchandise, food, or other items are sold or displayed or offered for sale, barter or exchange, on any portion of any street, alley, sidewalk or public property within the city for a period of time that exceeds sixty minutes at any one location; provided, however, that such vehicle may not stand or park at all in a place described in subsection (B)(3) of this section.
- 5. Any vending conducted at a location within five hundred (500) foot radius of any other location used in that same day by the same vending vehicle shall constitute one (1) single location, and the sixty (60) minute time limit shall apply. For the purposes of this Section, distance shall be from location to location along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies."
- 6. No person shall stand, park or operate any vehicle within or from the public right-of-way at the following locations; those streets bounded by and including: Castillo Street, Micheltorena Street, Garden Street, and Cabrillo Boulevard (as depicted on the map attached to this chapter entitled "Mobile Vendor Parking Restricted Area, September 15, 2015") and on Milpas Street from the intersection of Milpas and Quinientos to the intersection of Milpas and Canon Perdido.
- 7. No vendor shall stand, stop or park any vehicle within five hundred (500) feet of any public or private school (through grade 12) between the hours of 7:00 a.m. and 4 p.m. during operational school days.

- 8. Every person operating such vehicles shall have in his or her possession a valid business license to peddle issued by the city as required under Santa Barbara Municipal Code Section 5.32.040.
- 9. When standing or parking at the request of a bona fide purchaser, as permitted by subsection (A)(1) of this section, the person operating such vehicle or container shall:
 - a. Stop playing music, ringing bells or making other noise that
 advertises such person's presence or wares; and
 - b. Provide a visible trash receptacle for use by bona fide
 purchasers.
- 10. No street vendor vehicle or any extension thereof-such as mirrors, shall obstruct the movement of pedestrians or other vehicles using the street or sidewalk. No motor vehicle shall roll up onto the sidewalk of any street bounded by rolled curbs or otherwise block pedestrian sidewalk access.
- 11. Mobile vending vehicles are required to have wide angle mirrors adjusted to clearly see the areas surrounding the front and rear of the vehicle. A Mobile vending vehicle is required to have the sales window at the sidewalk side of the vehicle at all times.
- B. Subsection A of this Section shall not apply to persons delivering articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.
 - C. Subsections A2 to A10 of this Section shall not apply to the following;
- 1. Any person who is a certified producer authorized to participate and participating in a Certified Farmers Market, as defined, authorized and permitted in

accordance with the provisions of Title 3, Chapter 3, Subchapter 1, Group 4, Article 6.5 of the California Code of Regulations (herein after, the "Market").

- 2. A person selling non-certified goods at and during the Market (i) who sells only the type or types of goods currently authorized by the Council to be sold at the Market and (ii) who has been issued and has in her or his possession an original, currently valid certificate signed by the Manager of the Market and showing that she or he has been authorized by the manager of the Market to sell non-certified goods at the Market.
 - 3. Any person who has obtained a Special Event Permit from the City...
- D. Subsection <u>A5</u> of this Section shall not apply to (1) selling or taking orders in commercial or industrial establishments for goods, wares, merchandise or services to be used in connection with the operation or maintenance of the business; or (2) selling or offering for sale newspapers, magazines and periodicals in the present customary and usual manner of selling and offering for sale of newspapers, magazines and periodicals in the City.

SECTION 3. Environmental Quality Act Exemption.

This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.